

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Edward R. Carl and Michele C. Greene	:	
	:	
v.	:	F-2020-3022049
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Joel H. Cheskis  
Deputy Chief Administrative Law Judge

**INTRODUCTION**

This decision denies a formal complaint filed by customers of an electric distribution company who averred that the company does not recognize them as joint owners of their property and would like the company to be directed to recognize them as such. The complaint is dismissed because the complainants failed to satisfy their burden of proof to demonstrate that the company violated the Public Utility Code, a Commission order or regulation or a Commission-approved tariff of the company with regard to the service provided to them.

**HISTORY OF THE PROCEEDING**

On August 26, 2020, Edward R. Carl and Michele C. Greene filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL), docket number F-2020-3022049. The complaint is an appeal of a decision of the Commission’s Bureau of Consumer Services, case number 3766658. In their complaint, Mr. Carl and Ms. Greene averred that they are joint property owners and joint obligors but they are not recognized as such by PPL. Mr. Carl and Ms. Greene requested that

PPL be required to “recognize joint obliges on this account and send all notices to both parties.” Mr. Carl and Ms. Greene also requested that PPL be required to “withdraw offensive language in their response regarding levels of voice during telephone discussions as inappropriate, irrelevant and prejudicial.” Mr. Carl and Ms. Green stated that PPL was contacted several times with the request to change the responsible party and failed to recognize “the complainants’ legitimate and lawful request in violation of the right to equal treatment without discrimination under various laws.”

On October 13, 2020, PPL filed an answer to the complaint. In its answer, PPL admitted or denied the various averments made in the complaint. In particular, PPL admitted that Mr. Carl was assigned as the primary rate payor and Ms. Greene was assigned as the additional rate payor. PPL added that both Mr. Carl and Ms. Greene provided their social security number and are equally financially responsible for the account balance. PPL added that it offered to make Ms. Greene the primary rate payor and Mr. Carl the additional rate payor but Ms. Greene denied this offer.

On October 15, 2020, a hearing notice was issued setting an initial telephonic hearing for this matter for November 18, 2020 at 10:00 a.m. and assigning me as the presiding officer. A prehearing order was issued dated October 15, 2020 setting forth various rules that would govern the hearing.

The evidentiary hearing was held on November 18, 2020, as scheduled. Mr. Carl and Ms. Greene appeared *pro se*. Ms. Greene testified in support of the complaint. Kimberly Krupka, Esquire, appeared on behalf of PPL and presented one witness who sponsored one exhibit that was admitted into the record.

The record in this case closed on December 7, 2020, the day the transcript was filed with the Commission. For the reasons discussed below, Mr. Carl and Ms. Greene’s complaint will be denied.

## FINDINGS OF FACT

1. The Complainants in this case are Edward R. Carl and Michele C. Greene.
2. The Respondent in this case is PPL Electric Utilities Corporation.
3. The service address is 1555 Overbrook Road, Williamsport, Pennsylvania.
4. Mr. Carl and Ms. Greene jointly own their home in common at the service address. Tr. 12.
5. Each bill Mr. Carl and Ms. Greene receives from PPL every month has both of their names on it. Tr. 21.
6. When Ms. Greene contacts PPL to discuss the account, PPL discusses the account with her. Tr. 21.
7. PPL accepts payments from Ms. Greene. Tr. 21.
8. Sherry Shaffer has been employed by PPL as a customer service representative for 17 years and takes customer calls, makes collection calls and is involved in formal complaint proceedings. Tr. 26.
9. Ms. Shaffer is familiar with PPL's systems and protocols for enrolling rate payers and additional rate payers on accounts. Tr. 26.
10. PPL allows more than one rate payer on a customer account. Tr. 28.
11. There can be two individuals who are equally responsible for the bill and can make changes on the bill, pay the bill or be responsible for collections. Tr. 28-29.

12. When there is more than one rate payer on an account, one is identified as “rate payer” and the other one as “additional rate payer.” Tr. 29.

13. There is no difference in the obligations or responsibilities between the rate payer and the additional rate payer. Tr. 29.

14. The rate payer and the additional rate payer are listed on the bill on two separate lines. Tr. 29.

15. PPL Exhibit Number 4 is a copy of Mr. Carl and Ms. Greene’s PPL electric bill for February 2020. Tr. 29-30; PPL Exh. 4.

16. Either Mr. Carl or Ms. Greene can make any changes on their account. Tr. 30.

#### DISCUSSION

Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. Patterson v. Bell Tel. Co. of Pa., 72 Pa. PUC 196 (1990). “Burden of proof” means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. Se-Ling Hosiery v. Margulies, 364 Pa. 54, 70 A.2d 854 (1950). The offense must be a violation of the Public Utility Code, the Commission’s regulations, or an outstanding order of the Commission. 66 Pa.C.S. § 701. In this proceeding, Mr. Carl and Ms. Greene averred that they are joint property owners but that PPL does not recognize them as such on their electric bills. Mr. Carl and Ms. Green would like PPL to recognize both of them as joint obligors on the account. Mr. Carl and Ms. Greene, therefore, have the burden of proof in this proceeding.

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on a complainant. Milkie v. Pa. Pub. Util. Comm'n, 768 A.2d 1217 (Pa.Cmwlth. 2001) (Milkie); *see also*, Burleson v. Pa. Pub. Util. Comm'n, 443 A.2d 1373 (Pa.Cmwlth. 1982).

On appeal, the decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n, 489 Pa. 109, 413 A.2d 1037 (1980); Erie Resistor Corp. v. Unemployment Comp. Bd. of Review, 166 A.2d 96 (Pa.Super. 1961); and Pa. Dept. of Pub. Welfare, White Haven Ctr., 480 A.2d 382 (Pa.Cmwlth. 1984).

In this case, Mr. Carl and Ms. Greene averred in their complaint that they are joint property owners and joint obligors but they are not recognized as such by PPL. They requested that PPL be required to recognize them as joint obligors on the account and all notices. During the hearing, Ms. Greene reiterated what was provided in the complaint. Ms. Greene added: "Because we jointly own our home in common, we don't believe that we should be categorized that way. We don't believe that, under the Constitution, that constitutes equal treatment. Both constitutions – Pennsylvania's and the United States [C]onstitution." Tr. 12. Ms. Greene testified that Mr. Carl called PPL to initially set up their account, but they did not know that the account had to be set up a certain way at the beginning. Tr. 12. Every time they tried to change the account PPL would not let them. Tr. 12-13. Ms. Greene added that they were told by PPL that two names could not fit on one line on the bill. Tr. 12. Ms. Greene also testified, as an example of a real-life consequence, that her electric generation supplier would not recognize her but only recognize Mr. Carl as the account holder when she tried to transfer their account to another supplier. Tr. 15.

In response, Ms. Shaffer testified on behalf of PPL that there can be two individuals who are equally responsible for a bill and can make any changes to the bill or pay the bill. Tr. 28-29. Ms. Shaffer added that two individuals are identified as rate payer and an additional rate payer but there is no difference in their obligations. Tr. 29. Ms. Shaffer noted that the rate payer and additional rate payer are noted on the bill on separate lines and referenced Mr. Carl and Ms. Greene's February 2020 bill as an example. Tr. 29; PPL Exh. No. 4. Ms. Shaffer provided other examples of how the rate payer and additional rate payer – Mr. Carl and Ms. Greene in this case – are treated equally by PPL. Tr. 29-30.

Mr. Carl and Ms. Greene's complaint must be dismissed because they failed to demonstrate by a preponderance of the evidence that PPL violated the Public Utility Code, a Commission order or regulation or a Commission approved tariff of the company with regard to their billing or the treatment of them as rate payer and additional rate payer. When weighing the evidence presented by Mr. Carl and Ms. Greene against the evidence presented by PPL, it is clear that Mr. Carl and Ms. Greene have failed to satisfy their burden of proof in this case. *See, Milkie, supra.*

To begin, the Commission has extensive regulations regarding billing and payment standards for utility services. *See, 52 Pa. Code §§ 56.11-56.17.* For example, the Commission's regulations govern bill frequency, meter reading, estimated readings, customer readings, billing for nonrecurring and recurring services, previously unbilled utility service, among other things. Most significantly, the Commission regulation regarding billing information requires that a bill rendered by a public utility for metered residential public utility service must state several items clearly, including: the beginning and ending dates of the billing period, the beginning and ending meter readings for the billing period, the due date on or before which payment shall be made or the account will be delinquent, the amount due for service rendered during the billing period, and a designation of the applicable rate schedule, among other things. 52 Pa.Code § 56.15. There is no regulation, however, regarding how public utilities designate rate payers on a bill when there is more than one rate payer who is responsible for the service.

It is well established that the Commission may not interfere with the management of a utility unless an abuse of discretion or arbitrary action by the utility has been shown. Pa. Pub. Util. Comm'n v. Phila. Elec. Co., 561 A.2d 1224 (Pa. 1989); *see also*, Starzman v. PECO Energy Co., Docket Number C-2010-2192759 (Opinion and Order entered Dec. 5, 2012). The Commission lacks the statutory authority to sit as a “super-board of directors” for utilities and may not invade utility business decisions. Absent express legislative authority, the Commission may not interfere with general management decisions of public utilities. Id. There is no evidence in the record that supports finding that PPL’s decision to list Mr. Carl as rate payer and Ms. Greene as additional rate payer – thereby causing Mr. Carl’s name to appear on the first line of the bill and Ms. Greene’s name to appear on the second line of the bill – violates the Public Utility Code, a Commission order or regulation or a Commission-approved tariff of the company. PPL Exhibit Number 4 is a copy of Mr. Carl and Ms. Greene’s PPL electric bill for February 2020 which was admitted into the record. Tr. 29-30; PPL Exh. 4. There is nothing on that bill that indicates PPL has violated the Public Utility Code, a Commission order or regulation or a Commission-approved tariff of the company.

The fact that Ms. Greene believes “[b]ecause we jointly own our home in common, we don’t believe that we should be categorized that way. We don’t believe that, under the Constitution, that constitutes equal treatment. Both constitutions – Pennsylvania’s and the United States [C]onstitution” is not evidence that warrants sustaining their complaint. Bald assertions, opinions or perceptions do not constitute evidence. Rivera v. Phila. Gas Works, Docket No. C-2010-2164222 (Order entered January 12, 2012); *citing*, Pa. Bureau of Corrs. v. City of Pittsburgh, 516 Pa. 75, 532 A.2d 12 (1987). Mr. Carl and Ms. Greene have not presented any evidence that shows that the way PPL bills them or otherwise treats them as rate payer and additional rate payer violates the Public Utility Code.

In addition, Ms. Greene’s testimony that her electric generation supplier would not recognize her on her account but would only recognize Mr. Carl as the account holder, tr. 15, is a matter that could be raised with the supplier, not PPL. As Ms. Shaffer, PPL “would have no knowledge of what a supplier does” with regard to recognizing account holders. Tr. 34.

Whether Ms. Greene's supplier would recognize her on her account does not constitute a violation of the Public Utility Code by PPL.

Finally, on cross-examination, Ms. Greene agreed that when she contacts PPL to discuss the account, PPL discusses the account with her. Tr. 21, 23. This testimony was confirmed by PPL witness Shaffer who provided substantial testimony that an additional rate payer has the same obligations and responsibilities as a rate payer, noting specifically that there is no difference between the obligations and responsibilities of the rate payer versus the additional rate payer, even though their names are listed on two separate lines on the bill. Tr. 29. Substantial evidence demonstrates that PPL treats Mr. Carl and Ms. Greene equally.

As such, Mr. Carl and Ms. Greene's arguments in support of their complaint are without merit and will be rejected.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.

2. Section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).

3. A complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. Patterson v. Bell Tel. Co. of Pa., 72 Pa. PUC 196 (1990).

4. "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. Se-Ling Hosiery v. Margulies, 364 Pa. 54, 70 A.2d 854 (1950).

5. The offense must be a violation of the Public Utility Code, the Commission's regulations, or an outstanding order of the Commission. 66 Pa.C.S. § 701.

6. If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on a complainant. Milkie v. Pa. Pub. Util. Comm'n, 768 A.2d 1217 (Pa.Cmwlth. 2001); *see also*, Burleson v. Pa. Pub. Util. Comm'n, 443 A.2d 1373 (Pa.Cmwlth. 1982).

7. The decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704.

8. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n, 489 Pa. 109, 413 A.2d 1037 (1980); Erie Resistor Corp. v. Unemployment Comp. Bd. of Review, 194 Pa.Super. 278, 166 A.2d 96 (1961); and Murphy v. Pa. Dept. of Pub. Welfare, White Haven Ctr., 85 Pa.Cmwlth. 23, 480 A.2d 382 (1984).

9. The Commission has extensive regulations regarding billing and payment standards for utility services. *See*, 52 Pa. Code §§ 56.11-56.17.

10. The Commission may not interfere with the management of a utility unless an abuse of discretion or arbitrary action by the utility has been shown. Pa. Pub. Util. Comm'n v. Phila. Elec. Co., 561 A.2d 1224 (Pa. 1989); *see also*, Starzman v. PECO Energy Co., Docket Number C-2010-2192759 (Opinion and Order entered Dec. 5, 2012).

11. Bald assertions, opinions or perceptions do not constitute evidence. Rivera v. Phila. Gas Works, Docket No. C-2010-2164222 (Order entered January 12, 2012); *citing*, Pa. Bureau of Corrs. v. City of Pittsburgh, 516 Pa. 75, 532 A.2d 12 (1987).

12. Mr. Carl and Ms. Greene have failed to satisfy their burden to demonstrate that PPL has violated the Public Utility Code, a Commission order or regulation or a Commission-approved tariff of the company with regard to the billing or treatment as rate payer and additional rate payer.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the formal complaint filed by Edward R. Carl and Michele C. Greene against PPL Electric Utilities Corporation on August 26, 2020 at docket number F-2020-3022049 is hereby denied.

2. That this matter be marked closed.

Date: December 14, 2020

\_\_\_\_\_/s/  
Joel H. Cheskis  
Deputy Chief Administrative Law Judge